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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,062	09/18/2003	Vincent J. Lonero	1207-00103	7702

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RAGGIO & DINNIN, P.C.  
2701 CAMBRIDGE COURT, STE. 410  
AUBURN HILLS, MI 48326

EXAMINER

TOLAN, EDWARD THOMAS

ART UNIT PAPER NUMBER

3725

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

②

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,062	<b>Applicant(s)</b> LONERO, VINCENT J.	
	<b>Examiner</b> Edward Tolan	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16, 17, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-30-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 3 and 4 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 3 a "cylindrical appendage" is claimed and not disclosed. In claim 4 "adjustable" is claimed, it is not disclosed that the appendage position is adjustable relative to the upper tool housing.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 11, line 7 and claim 18, line 3 the terms "received therein" are not clear, there is no structure in the claims for the appendage to be received in.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3725

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sendzimir et al. (5,857,372). Sendzimir discloses an upper tool housing (220) for a plurality of work and backup rollers and a lower tool housing (221) for a plurality of work and backup rollers. The upper tool housing has two appendages (260) and the lower tool housing has structure (225, 226) that define channels into which the appendages engage in order to fix a position of the rollers. The rigidity of the housing prevents displacement of the rollers during a working operation. In figure 3, it is shown that the edge of appendage (260) is L-shaped. The appendages are metallic and formed to the upper tool. The tool housings are movable toward one another and set in position by bolts (227), screws (232) are used to maintain a position of the housings during working.

Claims 11 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Ford et al. (3,064,509). Ford disclose an upper tool housing (3) and a lower tool housing (1) each having appendages (6). The tool housing have work (10) and backup (6,7) rollers. The tool housings are movable toward one another by hinge (4). The appendages are engaged together by screw (5).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sendzimir et al. (5,857,372) in view of Rabe (4,961,651). Sendzimir does not disclose a non-metallic material and chemical bonding. Rabe teaches roller housings (1) which are plastic and snapped together, welded or riveted. In the state of the art, Rabe discloses (column 1, lines 17-25) that adhesive joining is used for moderate loads. It would have been obvious to one skilled in the art at the time of invention to manufacture tool housings of materials other than metal depending upon a load required for working.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sendzimir et al. (5,857,372) in view of Horger et al. (2,114,978). Sendzimir does not disclose that the appendages are screwed to the tool housing. Horger teaches appendages (39,18) that are secured to tool housings (1) by screws. It would have been obvious to one skilled in the art at the time of invention to screw the appendages to the tool housings in Sendzimir as taught by Horger in order to minimize costly machining.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-273-8300.

EDTOLAN  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Ed Tolan', is positioned below the printed name and title.